

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1767.01
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: May 31, 2001
DATE OF REPORT: June 27, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: August 30, 2001

COMPLAINT ISSUES:

Whether the Valparaiso Community Schools and the Porter County Education Interlocal violated:

511 IAC 7-28-3(d) with regard to the school's alleged failure to refer the student for vocational rehabilitation services in a timely manner.

511 IAC 7-27-4(c) with regard to the school's alleged failure to ensure the case conference committee (CCC) considered, in its review and revision of the student's IEP:

- a. whether the student could be educated in the school the student would attend if the student was not disabled;
- b. the student's need for related services; and
- c. the student's placement in the least restrictive environment.

511 IAC 7-27-9(b) with regard to the school's alleged failure to make available to a student with a disability the same variety of education programs and services that it makes available to students without disabilities, specifically, the high school curriculum.

During the course of the investigation, an additional issue was identified, which is:

511 IAC 7-27-5(a)(1) with regard to the school's alleged failure to prepare a written report of the CCC meeting that includes the purpose for convening the meeting.

FINDINGS OF FACT:

1. The student is sixteen years old, will attend the eleventh grade this fall, and has been determined eligible for special education due to an emotional disability.
2. The parent asserts that the school has failed to refer the student for vocational rehabilitation services since obtaining her consent on January 17, 2001. The parent's written consent of January 17th authorizes the school to exchange information with the Vocational Rehabilitation agency and to refer the student for services if it is determined necessary. According to the form, the parent's consent is valid for a one year period. The supervisor reports the student's teacher of record plans to call the vocational rehabilitation counselor in the fall of 2001 to discuss the student's need for employment services. Based upon this discussion, the teacher of record and the counselor will determine if the student could benefit from services. If it is determined that services are necessary, the school will initiate a CCC meeting during the 2001-2002 school year as this coming school year is the school year before the student's projected final year of school. The supervisor states the

vocational rehabilitation counselor will be invited to this meeting, and that the CCC will consider all vocational rehabilitation services available to the student.

3. Page 21 of the student's IEP dated January 17, 2001, indicates a CCC meeting will be convened in May 2001 to develop a class schedule for the 2001-2002 school year. According to the supervisor's response, CCC meetings were convened on May 14 and 24, 2001, for this purpose. The supervisor indicates it was the school's intention to amend the IEP dated January 17, 2001, but not to develop a new IEP for the student. The parent states she wanted a CCC meeting convened to discuss the need for related services, the least restrictive environment, and whether the student could attend his home school for the entire instructional day. Page one of the Case Conference Report has a list of boxes to check to reflect the purpose for convening a meeting. For the meetings convened on May 14 and 24, none of these boxes are checked. The Case Conference Report contains four pages of discussion summary notes. These notes do not identify the purpose for convening the May 14 and 24, CCC meetings.
4. The Case Conference Report reflects that many issues were discussed at the CCC meetings convened on May 14 and 24, 2001. Consensus among the CCC was not reached on any of these issues. The parent did not sign any documents indicating agreement with any of the issues discussed at these meetings. Although the school and parent did not reach consensus at the May meetings, the student still had an agreed upon IEP in effect for the 2000-2001 school year. The student's last IEP was developed on January 17, 2001. The parent signed the IEP on January 17th, indicating agreement with the recommendations made by the CCC and giving consent for the IEP to be implemented. The duration of the IEP is from January 17, 2001, through January 17, 2002. The student concluded the 2000-2001 school year on May 31, 2001.

CONCLUSIONS:

1. 511 IAC 7-28-3(d) requires the school, upon obtaining parental consent, to confer with the vocational rehabilitation counselor at least one time per year to determine a student's need for and potential benefit from vocational rehabilitation services. Finding of Fact #2 indicates parental consent was provided on January 17, 2001, and that the student's teacher of record will be conferring with the vocational rehabilitation counselor in the fall 2001. Therefore, no violation of 511 IAC 7-28-3(d) is found.
2. Finding of Fact #3 reflects that the school failed to include the purpose of the CCC meeting in the written reports of CCC meetings convened on May 14 and 24, 2001. Therefore, a violation of 511 IAC 7-27-5(a)(1) is found.
3. Finding of Fact #4 reflects that the student had an agreed upon IEP in effect for the 2000-2001 school year. The duration of the IEP is through January 17, 2002. Finding of Fact #3 indicates the CCC has not yet determined the student's class schedule and related issues for the 2001-2002 school year. Because the school year does not begin until sometime in August 2001, the CCC still has an opportunity to reconvene a CCC meeting and to reach consensus concerning the student's 2001-2002 class schedule and the other issues prior to the beginning of the 2001-2002 school year. Therefore, no violations of 511 IAC 7-27-4(c) and 511 IAC 7-27-9(b) are found. Should the CCC fail to reach consensus on these issues prior to the beginning of school, the parties have recourse through due process to resolve any disagreement.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

The Valparaiso Community Schools and the Porter County Education Interlocal shall:

1. Send a memorandum to all appropriate personnel reminding them that it is the school's responsibility to prepare a written report of the CCC meeting that includes the purpose for convening the meeting. Submit a copy of the memorandum to the Division no later than August 31, 2001, with a listing of all personnel (name and title) to whom the memorandum was sent.

DATE REPORT COMPLETED: June 27, 2001